

**From:** edward powell  
**To:** Microsoft ATR  
**Date:** 1/17/02 6:10pm  
**Subject:** Microsoft Settlement

January 17, 2002<?xml:namespace prefix = o ns = "urn:schemas-microsoft-com:office:office" />

Renetta Hesse, Esquire  
Trial Attorney  
Antitrust Division  
Department of Justice

**601 D Street NW, Suite 1200**

Washington, DC 20530

Dear Ms. Hesse:

I want to write today to urge Judge Kollar-Kotelly to approve the settlement which has been proposed between the Department of Justice plus nine state attorneys general and Microsoft. This action would end the federal antitrust lawsuit against Microsoft and, I am proud to say, the state lawsuit filed in my home state of North Carolina as well.

First of all, as an attorney, a former state legislator and once commissioner of a state agency in North Carolina, I am fully aware of the consequences when government prosecutors seek to take major legal action against a major corporation, especially one the size of Microsoft. Unless the case is very good, which the Microsoft case certainly was not, the proceedings can drag on much longer than necessary, using up unnecessary tax dollars and causing undue turmoil both for the company and the government agency involved.

That is why I believe that when a case of this nature can be settled, it should be. From what I see reading the summary of the settlement, it is clearly the case that both sides have won key concessions. It is clear that Microsoft must provide "guaranteed flexibility" and must not stand in the way of computer manufacturers distributing Microsoft products and other companies' products on the same machine. Microsoft must guarantee more flexibility in disclosing technical information for those who use Microsoft servers, middleware products as well as end users. For enforcement, the settlement creates an independent Technical Committee with unlimited staff and on-site access to the entire Microsoft campus.

I can't imagine that this is not an excellent settlement for the federal government which spent \$30 million of taxpayers' money and more than five years on this case. Nine states' attorneys general have agreed and I wish the other nine would as well.

Thank for your kind consideration of my opinion on this matter.

Sincerely,

Edward L. Powell

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